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NOTICE OF PROPOSED ACTION

by the

U.S. Environmental Protection Agency
Region 9, WTR-2-3
75 Hawthorne Street
San Francisco, CA 94105-3901

Public Notice #: NM-W-19-02
Public Notice Date: April 30, 2019
Comment Period Closes: May 30, 2019

The U.S. Environmental Protection Agency, Region 9 (USEPA) is issuing a notice of proposed action under the Clean Water Act (CWA). The USEPA is proposing to issue a National Pollutant Discharge Elimination System (NPDES) permit NN0000019 to:

Arizona Public Service Company
Four Corners Power Plant
Fruitland, New Mexico 87416

The United States Environmental Protection Agency, Region 9 (USEPA) provides notice of, and requests public comment on, USEPA's proposed action relating to the National Pollutant Discharge Elimination System (NPDES) permit application for renewal of the above referenced permit in compliance with the provisions of the Clean Water Act (CWA) (Public Law 92-500, as amended, 33 U.S.C 1251 et seq.) USEPA is issuing a proposed NPDES permit (Proposed Permit) to Arizona Public Service Company (APS or the Applicant) for the Four Corners Power Plant (FCPP) on the Navajo Nation that would permit the discharge of effluent from Morgan Lake to No Name Wash, a tributary to the Chaco River which flows into Segment 2-401 of the San Juan River. The address for APS is P.O. Box 355, Station 4900, Fruitland, NM 87416. The proposed location of the action is at the existing FCPP located at the end of San Juan County Road 6675 in Fruitland, New Mexico. The FCPP is about 20 miles southwest of Farmington, New Mexico, and is partially owned and operated by APS on behalf of itself as well as the Salt River Project Agricultural Improvement and Power District, El Paso Electric Company, Public Service Company of New Mexico, and Tucson Electric Power Company.

The APS FCPP has been operating pursuant to successive NPDES permits for several decades. USEPA initially issued a revised NPDES permit in June of 2018, but withdrew it in December 2018 after it was challenged in the Environmental Appeals Board. to address a number of issues raised by the public APS is currently operating under the administratively extended NPDES Permit No. NN0000019,.

USEPA's Proposed Permit will be available at the Region 9 Website at:
<http://www.epa.gov/region09/water/npdes/pubnotices.html>

Information submitted by the Applicant as part of its Application is available as part of the

administrative record of this proposed permit. The administrative record, including the draft permit, fact sheet, comments received, data submitted by the applicant, and other relevant documents, is available for review during normal business hours (9:00 AM to 4:00 PM) at the USEPA Region 9 address above. Due to building security procedures, please call Gary Sheth at (415) 972-3516 at least 48 hours in advance to arrange a visit.

Comments must be sent or delivered in writing to Gary Sheth at one of the following addresses:

E-mail: sheth.gary@epa.gov

U.S. Mail: Gary Sheth (WTR-2-3)
Water Division
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

All comments that are received will be included in the public docket without change and will be available to the public, including any personal information provided, unless the comment included Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that is claimed to be CBI or otherwise protected should be clearly identified as such and should not be submitted through e-mail. If a commenter sends e-mail directly to the USEPA, the e-mail address will be automatically captured and included as part of the public comments. Please note that an e-mail or postal address must be provided with comments if the commenter wishes to receive direct notification of USEPA's final decision regarding the Application and Proposed Permit.

Before taking final action on the Application, USEPA will consider all written comments submitted during the public comment period.

The Applicant has also submitted a request for certification of the Proposed Permit under Clean Water Act Section 401(a)(1). In addition to issuing the Proposed Permit, USEPA is the agency responsible for certifying (or waiving certification) that the Proposed Permit complies with the applicable provisions of the Clean Water Act as it affects water quality.

USEPA hereby provides notice of, and requests public comment on, USEPA's proposed waiver of certification under Clean Water Act Section 401(a)(1). In its Application, the Applicant has provided a description of the facility, activity and discharge subject to the Proposed Permit, including the proposed treatment technology, monitoring methods and the dates of discharge. Given that the aquatic resources protected by the certification program are the same as the aquatic resources being protected pursuant to the Proposed Permit and the Proposed Permit contains conditions necessary to achieve compliance with the CWA, USEPA proposes to waive CWA Section 401(a)(1) certification for the Proposed Permit.

When public interest warrants, USEPA may schedule a public hearing or may grant an extension of the comment period for the submittal of comments or objections (40 CFR Part 124.14). USEPA will send notice of its final permit decision to each person who submitted comments and contact information during the comment period or requested notice of the final permit decision. USEPA will summarize the contents of substantive comments and provide written responses in a document accompanying USEPA's final permit decision. Within 33 days after EPA issues the final permit, any person who filed comments on the draft permit may petition the Environmental Appeals Board to review any condition of the permit decision (40 CFR Part 124.19).

If you have questions, or if you wish to obtain further information, please contact Gary Sheth at (415) 972-3516, via e-mail at sheth.gary@epa.gov, or at the mailing address above. If you would like to be added to our mailing list to receive future information about this Proposed Permit decision or other decisions issued by EPA Region 9 related to this NPDES permit, please

contact Gary Sheth at the phone number or e-mail provided above.

Please bring the foregoing notice to the attention of all persons who would be interested in this matter.

Legal No. 1282790 published in The Daily Times on April 25, 2019.

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